

## **POLE ATTACHMENT RATES**

The FCC should find that the pole attachment rate formula clearly applies in the same manner to *all* future pole attachment rate negotiations between investor-owned electric companies and broadband providers (ILECs, CLECs, and cable operators alike). This rate formula would offer a benchmark for reasonableness that could be rebutted with a showing that identifies terms and conditions outside of industry norms – a showing that could be made by either an electric company or a communications attacher.

## **MAKE-READY TIMELINE**

### **1. Large Job:**

- (1) Definition: Under no circumstances should a “large job” be deemed to include requests to attach to *less than 350* of an owner’s poles in a state during a single calendar month.
  - This proposed standard is grounded in norms recognized by the National Broadband Plan: The Plan found that it was reasonable to assume 35 poles per mile. (NBP p. 128, n.7) This provision, accordingly, would mean that any job addressing less than 10 miles (350 poles) would not qualify as a large job.
- (2) Accommodation: Large jobs should not be exempt altogether from the make-ready timeline. Instead, the FCC should employ a sliding scale – with requests for (1) 350 poles or less subject to the timeline, (2) 351-1,000 poles allotted 30 additional days (divided between the estimate and construction steps), and (3) more than 1,000 poles allotted 60 additional days (divided between estimate and construction).

### **2. Prior Payment:**

The performance portion of the make-ready timeline should not commence until a would-be attacher has paid for the make-ready work.

### **3. Sequencing:**

Windstream supports modifications to the make-ready timeline that, as proposed by USTelecom, (1) would allow 60 days for performing pole make-ready work, while (2) consolidating the survey and estimate into a single step subject to a 45-day deadline.

## **UNAUTHORIZED ATTACHMENTS**

Backbilling should only apply to attachments clearly subject to charges. In particular, the FCC’s Order should include the presumption that “attachments” subject to backbilling do *not* include grounding wires.